

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

Granted
Susan G. Dlott
10/5/05

ANTHONY RIGGINS,	:	Case No. C-1-01-503
	:	
Plaintiff,	:	Judge Dlott
	:	
vs.	:	Magistrate Judge Sherman
	:	
HAROLD CARTER, et al.,	:	<u>PLAINTIFF'S MOTION TO</u>
	:	<u>VACATE TRIAL DATE AND</u>
Defendants.	:	<u>SET NEW TRIAL</u>

MOTION AND MEMORANDUM IN SUPPORT

This case is scheduled for a three day jury trial on November 7, 2005. However, it has recently become clear that Plaintiff's counsel have an unavoidable trial conflict. Both Plaintiffs' counsel are scheduled to try a class action jury trial starting November 1, 2005 which will last at least two weeks. (*Chesher v. Neyer*, S.D. OH No. 1:01-CV-566 (Spiegel, J.)). Therefore, Plaintiff respectfully requests that the November 7, 2005 trial date be vacated and a scheduling conference be conducted by telephone.

Respectfully submitted,

s/ Jennifer L. Branch
Jennifer L. Branch (0038893)
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CERTIFICATE OF SERVICE

I hereby certify that on October 4, 2005, a copy of the foregoing pleading was filed electronically. Notice of this filing will be sent to all parties for whom counsel has